

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 In Re:	Case No. 3:14-cv-00190-MMD
10 NATHAN L. TOPOL,	
11	Debtor.
12 W. DONALD GIESEKE, Trustee of the	BK Case No. BK-N-12-51014-btb
13 bankrupt estate of NATHAN L. TOPOL, an	Adv. Proceeding No. 13-05066-btb
14 Plaintiff,	ORDER
15 v.	
16 BYRON TOPOL,	
17 Defendant.	

18
19 Before the Court are the Motion for Order Staying Adversary Proceeding Pending
20 Disposition of Motion to Withdraw the Reference ("Motion to Stay") (dkt. no. 4) and the
21 Motion for Order Shortening Briefing Schedule on the Motion to Stay (dkt. no. 5). No
22 response has been filed to either motion, and the Court determines that no response is
23 needed.

24 The Motion to Stay requests that the Court stay the adversary proceedings,
25 including Defendants' response to the complaint and discovery, pending a decision on
26 the Motion to Withdraw the Reference (dkt. no. 2). However, the Court finds that there is
27 no good reason to grant the requested stay. Regardless of the how the Court resolves
28 the Motion to Withdraw the Reference, Defendants will need to respond to the complaint

1 and discovery will need to proceed. If the reference is withdrawn, the Bankruptcy
2 Court's decision on any motion to dismiss would be reviewed as a report and
3 recommendation under a *de novo* standard. Granting a stay will only further
4 unnecessarily delay the proceedings in this case, particularly given the Court's case
5 load and the number of cases with pending motions filed before the Motion to Withdraw
6 the Reference in this case.

7 It is therefore ordered that the Motion to Stay (dkt. no. 4) is denied. It is further
8 ordered that the Motion for Order Shortening Briefing Schedule (dkt. no. 5) is also
9 denied.

10 DATED THIS 10th day of July 2014.



11
12 MIRANDA M. DU
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28